THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.24053 of 2007

Date: 4th December, 2007

Between :-

T. Ratnamaiah $ Venkataratam
And 3 others .. Petitioners

And

The Joint Collector,
Anantapur District
Anantapur and another .. Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.24053 of 2007

ORDER:-

This Court issued *rule nisi* on 3-12-2007. Counter affidavit is filed.

2. Heard Sri Nasaraiah Golla, the learned Counsel representing the writ petitioners and the learned G.P. for Civil Supplies.

3. The learned Counsel representing the writ petitioners placed strong reliance on the decision in ***V.V.SUBBA RAO AND ANOTHER v. GOLLECTOR AND DISTRICT MAGISTRATE, ONGOLE PRAKASAM District AND ANOTHER***[1] and would maintain that the concerned authorities have no power to seize the stocks at all.

4. Per contra, the learned G.P. for Civil Supplies would maintain that as far as the power of seizure, there cannot be any doubt whatsoever in the light of the relevant Control Orders. But however, the learned G.P. for Civil Supplies would maintain that whether it is an agricultural produce or not, it is a matter to be decided by the concerned Joint Collector.

5. Heard both the Counsel.

6. The Writ Petition is filed for a Writ of Mandamus declaring the inaction of the 1st respondent in not passing orders in Claim Petition-cum-Objection filed by the petitioners vide No.K3/590/07/AP on the file of Joint Collector, Anantapur, as illegal, arbitrary and against the principles of natural justice and consequently drop further action, and pass such other suitable orders.

7. Several facts had been narrated in the affidavit filed in support of the Writ Petition and a counter affidavit had been filed denying several of the averments made in the affidavit filed in support of the Writ Petition. It is no doubt true that whether the seized stocks are agricultural produce or not, it is a question of fact to be decided. In the peculiar facts and circumstances, let the 1st respondent – Joint Collector, Anantapur, complete the enquiry within a period of two weeks from today and also consider the release of stocks in the event of the 1st respondent being satisfied with the contentions advanced by the writ petitioners.

8. Accordingly, the Writ Petition is disposed of. No

order as to costs.

Justice P.S.Narayana

4th December, 2007

NOTE: C.C. today

smr

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[1] 2005 (2) ALD 94